REMARKS

By this Amendment claims 1 and 31 have been amended to list the operating materials and required supplies involved in the claimed method (see specification at page 1, lines 13-25 and page 11, lines 5-12). Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1-4, 19, 20, 31 and 32* under 35 U.S.C. 103(a) as being unpatentable over Lobiondo et al. in view of Namisniak et al. (newly cited), and he has rejected claims 5-18 and 21-30* under 35 U.S.C. 103(a) as being unpatentable over Lobiondo et al. in view of Namisniak et al. and Sano et al.

The inventors are rather perplexed by these rejections and vigorously assert that they are improper. They certainly cannot be applied to the claims as now amended.

As noted in previous filings, Lobiondo et al. describe a consumable supplies monitoring/ordering system for reprographic equipment, e.g., for an ink jet printer. The consumable supplies which are administered in the system are, *e.g.*, toners, inks and paper sheets for a plurality of such

*Claims 19-30 and 32 were previously canceled.

printers communicating via an inventory tracking system. If at least one of the consumable materials reaches a projected reordering point, information is given via a user interface. An operator can then send his orders to a remote order site. That means the system of Lobiondo et al. is only based on quantity information of the needed consumable supplies.

Such a system as described in LoBiondo et al. will not be sufficient for analyzers or analyzing systems in the medical, environmental or food technologies because for at least some of the required supplies (e.g., calibrating and quality control media of the analyzer) not only quantity information is important, but also particulars with respect to their types and expiry data (step (a) of claim 1). Further, also operating materials (such as electrochemical or optochemical sensors of the analyzer) are recorded with respect of their maximum useful life in step (a) of claim 1.

As described in the present application (page 4, last paragraph), automatic recordation of data after insertion of new sensor cartridges or other supplies is effected by means of a bar code reader or a transponder system, where a memory chip is provided on or in each sensor cartridge or each supply tank. The memory chip, for instance at the container for the calibrating or quality control media, can be used for storing the current filling level (see also bar code reader 5 and transponder 6 of container 4 or BG and EL modules of inventive variant in Fig. 1)

There is no disclosure or suggestion in LoBiondo et al. regarding automatic recording of the maximum useful life of hardware components of the printer or of recording expiry data of any supplies or operating materials!

With respect to step (b) of claim 1 of the present application, it is sufficient to enter the desired frequency of analysis once by an operator (for initializing a new analyzing system), then the frequency of analysis can be calculated automatically by the analyzer based on data collected in previous periods of use (see paragraph bridging pages 4 and 5). LoBiondo et al. do not show a step of calculating a frequency of analysis.

Further, Lobiondo et al. do not disclose step (c) of claim 1, as the calculation therein is only based on quantity data (see Fig. 1, e.g., counters 24 for determining number of paper sheets remaining). The calculation in the inventive system is also based on expiry dates of supplies and on maximum useful life of, *e.g.,* sensors and so on. That means that even if the calculated quantity of, *e.g.,* a calibrating solution will be sufficient, the expiry date could be lapsed and thus will cause an automated ordering procedure according step (e) of claim 1.

Namisniak et al. disclose a method and tracking system for ensuring the consumption of perishable food items before a useful storage lifetime for the items has elapsed. There is no mention of the applicability of the invention to reprographic equipment (as in Lobiondo et al.).

The examiner agrees that Lobiondo et al. do not explicitly disclose an automatic detecting and recording of useful lives (see point (a) of applicants' claim 1*:* automatically detecting and recording said types and maximum useful lives of said required operating materials, and said types, expiry dates and quantities of said required supplies). However, the examiner refers to col. 6, lines 10 to 58, of Namisniak and argues that the missing features can be found in this reference:

> The display shows elapsed time in appropriate timing intervals that match the lifetimes entered in the item slot. When the invention is used to track leftovers in a refrigerator, the timing increments are days. For the tracking of frozen or dried food, the increments are weeks or months. A particular base unit might display only one of the possible timing increments. Alternatively, a switch or switches could be provided that would alter the timing increments of individual or of all the displays on a base unit. The more advanced microprocessor version is most flexible and can automatically select and display the appropriate timing interval by selecting an appropriate storage location button marked (R) Refrigerator, (F) Freezer or (P) Pantry).
>
> A warning signal that shows the status of the elapsed time is provided to alert the user when food items are approaching and/or have reached the end of their estimated storage lifetime. For example, when the food item has been stored within two days of its estimated lifetime, a warning signal would activate. For example, to alert the user, a visually perceptible signal such as a light would illuminate or an audibly perceptible signal such as an alarm or tone would sound. When the actual day of expiration arrived, a different warning signal would activate; for example, the display light would begin to flash or a different sounding alarm or tone would be heard. The warning signals would continue to alert the user until item is removed from the display.

> An example might help clarify the functioning of the invention. In a version with multiple numeric displays operating in the "count up" mode (day increments), the timing display will show "0" when it is first activated. Preferably, this display would be next to the lifetime on the item slot. Thus, if the item were salad with a three-day lifetime, the item slot and timing display would look like this: "SALAD 3 0." Each day the timing display is automatically incremented by one day. After 24 hours, the slot and display will read: "SALAD 3 1." After three days, the display will match the lifetime number, indicating that the salad is at the end of its useful lifetime. The goal is to consume the salad before the timing display exceeds the lifetime. When the unit is operating in the "count down" mode, the timing display indicates how many days of useful life are left and would look like this: "SALAD 3 3." Each day the timing display is automatically decremented by one day. After 24 hours, the slot and display will read: "SALAD 3 2." After three days, the display will read "SALAD 3 0" indicating that the salad is at the end of its useful lifetime. The goal is to consume the salad by the time the display reaches 0.

Nowhere in this cited passage, which describes, e.g., tracking leftovers in a refrigerator, is there a disclosure or a hint for automatically detecting and recording the types and maximum useful lives of the required operating materials, and the types, expiry dates and quantities of the required supplies. As can be seen from col. 2, last paragraph, or from col. 3, lines 53 to 67 of Namisniak, the user manually enters expiration dates of products such as yogurt or milk using an input device such as a keypad.

The feature of automatically detecting and recording ... according point (a) of claim 1 is very important for the invention as shown at paragraph 15 of the description:

> The special advantage of the process proposed by the invention is that the user is relieved in his work and essential parts of the operating materials and supplies management are automated. Automatic recording of data after insertion of new sensor cartridges or other supplies may be effected by means of a bar code reader or transponder system, where a memory chip is provided on or in each sensor cartridge or each supply tank. The memory chip, for instance at the container for the calibrating medium, may also be used for storing the current filling level of the calibrating medium. Besides, it will suffice to enter the desired frequency of analysis once, i.e., analyses planned per unit of time, or the frequency of analysis may be proposed by the analyzer itself on the basis of data collected in previous periods of use, and confirmed by the user. This is followed by an automatic calculation of the operating materials and supplies required per unit of time, and the determination of an optimum ordering point, the location of the analyzer and, as a consequence, the time required for the entire transaction of ordering and delivery being taken into account.

In applicants' method automatically detecting and recording also encompasses all required operating materials, selected from sensors, sensor cartridges, tubes, seals and software components. Namisniak et al. is silent with respect to all of these features.

Neither Lobiondo nor Namisniak et al. disclose feature (c) of claim 1: "automatically calculating an amount of said operating materials and/or supplies required per unit of time, based on data obtained in steps (a) and (b)"

The examiner's prior art rejection should be withdrawn and the pending claims allowed. A prompt passage to issuance is requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: _____

Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8680